

REMARKS AND AMENDMENTS

Amendments

Claims 9 and 10 have been cancelled without prejudice. The cancellation of claim 9 obviates the 35 U.S.C. 112 rejection raised by the Examiner.

Claims 1 and 11 have been amended to specify:

- (a) the esterified polymer is present at about 0.06 to about 10 weight percent; and
- (b) the thickener is either
 - (i) an inorganic powder selected from the group consisting of clay, organo-clays, bentonite, fumed silica, calcite, carbon black, pigments, copper phthalocyanine and mixtures thereof; or
 - (ii) a metal salt of a carboxylic acid selected from the group consisting of a mono-hydroxycarboxylic acid, a di-hydroxycarboxylic acid, a poly-hydroxycarboxylic acid and mixtures thereof.

Support for the amendments listed above, are located in the specification:

- (a) on page 5, lines 6-7 for the amount of esterified polymer;
- (b) The inorganic powder description is found on page 11, line 30, to page 12, line 1;
- (c) on page 10, line 26 for the term a metal salt of a carboxylic acid;
- (d) on page 10, line 31 to page 11, line 1 for the text a mono-hydroxycarboxylic acid, a di-hydroxycarboxylic acid, a polyhydroxycarboxylic acid and mixtures thereof,

Applicants submit that the amendments are fully supported by the specification and do not add subject-matter.

Interview Summary

On Tuesday June 5, 2007 a telephone interview took place between Examiner Lang, Teresan Gilbert, Matt Sivik and William Ellyatt. The interview considered appropriate ways for the Applicant to make the claims of the present invention meet the requirements of 35 U.S.C. 103(a) in view of the office action mailed

February 27, 2007. The interview considered the technical differences between Lange (US 6,258,761) and the present invention. Applicants proposed an amendment whereby the description of the thickener is amended.

The claim amendments presented above and the remarks below address the issues raised by the Examiner. In addition, inventor Sivik submits a declaration under Rule 1.132 confirming the technical differences between Lange and the present invention.

Remarks

The Examiner has not raised a 35 U.S.C. 102 rejection. Thus, the Examiner is of the position that the present invention meets the requirements of 35 U.S.C. 102, and is considered novel.

The Examiner has maintained the rejection the claims of the present invention under 35 U.S.C. 103(a) over Lange (US 6,258,761) in view of Andrew (US 5,585,335) and Caruso (US 4,104,177). Applicants respectfully traverse.

The Examiner is of the position that Lange discloses a polymer that is used as a viscosity and dispersant improving additive. Therefore, the composition would improve thickening, increase longevity and decrease wear. The Examiner further references the detergents and dispersants disclosed by Lange in column 35, lines 50 to 55, and column 36, lines 60 to 66. The Examiner is of the position that the dispersants and detergents may act as thickening agents. Applicants respectfully traverse.

Lange does not teach the thickening agent of the present invention. In the present invention, elements (a) and (b) of the claim are an esterified polymer and a thickening agent respectively. The thickening agent are different elements providing the grease with different properties. The thickener provides the grease with non-Newtonian properties. The esterified polymer provides the grease with water repellence and/or water wash-off properties. This is confirmed in the attached declaration submitted by Sivik.

The detergents and dispersants referred to in Lange are inherently oil-soluble. As an oil-soluble material, the dispersants and detergents have Newtonian properties and not to be considered grease thickeners. Accordingly, these materials do not exhibit non-Newtonian behavior and since a grease displays non-Newtonian properties, these

materials will not act as a thickener for a grease and is not equivalent to the thickener of claim 1 as presently claimed. This is confirmed in the attached declaration submitted by Sivik.

During the telephone interview with the Examiner, a question was raised relating to the disclosure in column 30, lines 28 to 31 of Lange. In particular Lange discloses

“Under some circumstances, for example when 20 % by weight of reactant (A) is employed, the product of the reaction may become very thick or gel-like.”

In contrast the presently claimed invention specifies that the polymer is utilized at an amount in the range of about 0.06 to about 10 weight percent of the grease composition. Accordingly, the polymer of the present invention does not form a gel-like material as is disclosed by Lange.

The Examiner combines the teaching of Lange with Caruso or Andrew. Neither Caruso nor Andrew, disclose the polymer of Lange. In view of the technical differences highlighted between the present invention and Lange, the presently claimed invention will not be derived from the combination of Lange with Caruso or Andrew.

In view of the technical differences highlighted above and in combination with the attached declaration filed under Rule 1.132, the Applicants submit that the present invention is unobvious over the cited prior art. Accordingly, the Examiner is requested to withdraw the 35 U.S.C. 103(a) rejection and find all claims allowable.

If for any reason the Examiner believes that a telephone conference would expedite the prosecution of this application, I can be reached at the telephone number listed below.

The Commissioner is authorized to charge any required fees or credit any overpayment of fees to The Lubrizol Corporation Deposit Account No. 12-2275.

Respectfully submitted,

THE LUBRIZOL CORPORATION

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